

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RILEY T. GUNTER,

Plaintiff,

v.

CITY OF OMAHA, RAY HUTZELL, and
JERRY MAHONEY,

Defendants.

8:21CV281

ORDER

After the Court entered summary judgment in this matter in favor of defendants City of Omaha, Ray Hutzell, and Jerry Mahoney (Filing No. 75), plaintiff Riley Gunter (“Gunter”) filed a Notice of Appeal (Filing No. 77) on January 17, 2024. Now before the Court is Gunter’s Application to Proceed in District Court without Prepaying Fees or Costs (“Application”) (Filing No. 78), which the Court construes as a motion to proceed in forma pauperis on appeal.

Under Federal Rule of Appellate Procedure 24, a party who wishes to proceed in forma pauperis on appeal “must file a motion in the district court” and attach to that motion “an affidavit” (1) detailing their “inability to pay or to give security for fees and costs,” (2) “claim[ing] an entitlement to redress,” and (3) “stat[ing] the issues [they] intend[] to present on appeal.” Gunter’s Application provides some context for his financial circumstances but fails to meet the other requirements of Rule 24.

Specifically, because Gunter does not describe to the Court what issues he intends to present on appeal, his Application is denied. Should Gunter wish to renew his request to appeal in forma pauperis, he should submit to the Court an affidavit containing all of the information required by Rule 24 as described above. For his convenience, the Court will provide Gunter with a form to use for this purpose.

Based on the foregoing,

IT IS ORDERED:

1. Plaintiff Riley Gunter's Application to Proceed in District Court without Prepaying Fees or Costs (Filing No. 78) is denied without prejudice.
2. The Clerk of Court shall send Gunter an "Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis" Form at his address of record.

Dated this 19th day of January 2024.

BY THE COURT:



Robert F. Rossiter, Jr.
Chief United States District Judge